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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,791	12/02/2003	Hiroto Nishiyama	IPO-P1881	3322
3624 7590 04/27/2009 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER SHIH, HAOSHIAN	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 04/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,791

Applicant(s)

NISHIYAMA ET AL.

Examiner

HAOSHIAN SHIH

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2, 7 and 30 are pending in this application and have been examined in response to application RCE filed on 04/06/2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 7 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khosla et al. (Khosla US 6,202,061 B1) and Takiwa et al. (Takiwa, JP2000-298467 A).**

4. As to **INDEPENDENT** claim 1, Khosla discloses an image processing apparatus comprising: a display control section configured to simultaneously provide a thumbnail area, and a collection area on a common display (fig.5, thumbnail region "305" as the thumbnail area and album page region "309" as the collection area);

a reduced image display section configured to reduce the images displayed in the thumbnail area (fig.5, "305", fig.12b, "809"; col.13, lines 12-14; a small picture representation of the actual images are displayed in the thumbnail area);

a second selection section configured to select an image from among the images displayed through the [thumbnail] image display section (col.13, lines 63-64; a user selects an image); and

an entry section configured to enter into the collection area, the image selected by the second selection section (col.13, lines 64-66; the selected image is entered into the album page region).

Khosla does not disclose a comparison area; a first selection section configured to select two or more images from among the reduced images displayed in the reduced image display section; a comparison image display section configured to display in the comparison area the two or more images selected by the first selection section; an image processing section configured to perform at least one image processing of reducing processing, enlarging processing, and moving processing on the two or more images displayed in the comparison image display section;

In the same field of endeavor, Takiwa discloses a comparison area (fig.3, "DETAILED DESCRIPTION", [0001], multiple images are displayed side by side for a comparative observation);

a first selection section configured to select two or more images (fig.4, step 1; "DETAILED DESCRIPTION", [0024]; images are selected);

a comparison image display section configured to display in the comparison area the two or more images selected by the first selection section (fig.4, step 1; fig.3;

"DETAILED DESCRIPTION", [0024]; images are opened for a comparative observation);

an image processing section configured to perform at least one image processing of reducing processing, enlarging processing, and moving processing on the two or more images displayed in the comparison image display section (fig.3; "DETAILED DESCRIPTION", [0020]; the selected images are zoomed).

Khosla and Takiwa do not individually disclose selecting images from a first selection thumbnail area, displaying the selected images in the comparison area, and selecting an image from the comparison area and insert the image to an entry section. However, it would have been obvious to one of ordinary skill in the art to combine the drag and drop image selection interface taught by Khosla to be integrated with the image comparison interface taught by Takiwa for the benefit of simplifying image selection and placement.

It would have been obvious to one of ordinary skill in the art, having the teaching of Khosla and Takiwa before him at the time the invention was made, to modify the digital media organization system taught by Khosla to include synchronous image comparison taught by Takiwa with the motivation being to enhance digital media selection by introducing detailed comparative observation of multiple images (Hiroyuki, Abstract).

5. As to claim 2, Takiwa discloses the image processing section is configured to perform the image processing so that the images are operatively interlocked with each other and undergo the same processing together ("DETAILED DESCRIPTION", [0019], [0028]; "synchronous display").
6. As to **INDEPENDENT** claim 7, see rationale addressed in the rejection of claim 1 above.
7. As to claim 30, see rationale addressed in the rejection of claim 2 above.

Response to Arguments

8. Applicant's arguments with respect to claim 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant argues that a superimposition of the images (application remark pg.9, par.2) disclosed by Tokiwa is not a required step for the claimed image comparison feature.
10. In response to applicant's argument, whether or not a superimposition of the images is a necessary step for the claimed image comparison to be functional is not disclosed on the claim, thus not addressed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/Kieu D Vu/
Primary Examiner, Art Unit 2175